

## ADMINISTRATIVE SERVICES DEPARTMENT[11]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.121, the Department of Administrative Services hereby gives Notice of Intended Action to amend Chapter 10, “Customer Councils,” Iowa Administrative Code.

The proposed amendments rescind two definitions that are not used in the rules; delete the names of the customer councils so that councils can be added or dissolved without need for changing the rules; change the definition of “quorum” so that only a simple majority is needed for voting; modify the process for filling midyear vacancies on the councils; and allow increases or reductions in rates throughout the year as recommended by the Department and voted on by the respective council. The current rules require an election process to fill vacancies and do not allow for rate reductions and increases without the need for a waiver of the September 1 rate-setting deadline.

Any interested person or party may make written or oral comments on the proposed amendments on or before April 17, 2007. Such written comments should be directed to Patricia Lantz, Hoover State Office Building, 1305 E. Walnut, Level 3, Des Moines, Iowa 50319, or may be sent by fax to (515)281-6401 or by E-mail to [Patricia.Lantz@iowa.gov](mailto:Patricia.Lantz@iowa.gov).

These amendments are intended to implement Iowa Code section 8A.121.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 11—10.1(8A) as follows:

Rescind the following definitions:

~~“Leadership function” means a service provided by the department and funded by a general appropriation. Leadership functions typically relate to development of policy and standards and are appropriate when standardization is required and the ultimate customer is the taxpayer.~~

~~“Marketplace service” means a service that the department is authorized to provide, but which governmental entities may provide on their own or obtain from another provider of the service.~~

Amend the following definition:

“Quorum” means the presence of no less than ~~two-thirds~~ *a simple majority (50 percent plus 1)* of the members eligible to vote.

ITEM 2. Amend rule 11—10.4(8A) as follows:

**11—10.4(8A) Customer councils established.** In order to ensure that DAS utilities provide effective, efficient, and high-quality services that benefit governmental entities and the citizens they serve, this chapter establishes ~~the following customer councils: general services, human resources, and information technology for services identified as utilities.~~

ITEM 3. Amend paragraph **10.5(1)“a”** as follows:

Amend subparagraph **(2)** as follows:

(2) Review. The directors or directors' designees from each agency size group shall review representation on each customer council prior to August 1 of each year for the terms ending August 31 of that year and select customer council members as in subparagraph (1) to fill vacancies caused by expired terms. ~~The directors or directors' designees shall use the process in subparagraph (1) to fill an executive branch customer council position that becomes vacant before the end of the term. This action shall occur by the end of the month following the month in which the vacancy occurred. An agency may provide representatives to fill no more than one position on a customer council at one time.~~ The department will periodically review the definition of large, medium-sized and small agencies based on the number of permanent employees of the agencies in Iowa state government and make adjustments accordingly.

Adopt new subparagraph **(3)** as follows:

(3) Vacancies. If a vacancy occurs from September 1 through August 1, the appropriate chairperson shall fill the vacancy.

ITEM 4. Amend subrule 10.7(3) as follows:

**10.7(3) Rate setting.** The customer council shall approve the procedure for setting rates for the services that the customer council oversees and the resulting rates. Rates shall be established no later than September 1 of the year preceding the rate change. *Established rates may be amended after September 1 upon recommendation by the department and affirmative vote by the appropriate customer council.*